

## **OFFICE OF MINE SAFETY AND LICENSING**

**DEPARTMENT FOR NATURAL RESOURCES  
ENERGY AND ENVIRONMENT CABINET**

### **FATAL ACCIDENT REPORT**

## **WEBSTER COUNTY COAL, LLC DOTIKI MINE**

**STEVEN L. BESHEAR, GOVERNOR  
COMMONWEALTH OF KENTUCKY**

**LEONARD K. PETERS, SECRETARY  
ENERGY AND ENVIRONMENT CABINET**

**CARL E. CAMPBELL, COMMISSIONER  
DEPARTMENT FOR NATURAL RESOURCES**

**JOHNNY GREENE, EXECUTIVE DIRECTOR  
OFFICE OF MINE SAFETY AND LICENSING**

**1025 CAPITAL CENTER DRIVE  
FRANKFORT, KY 40602-2244**



**ROOF FALL**

**MADISONVILLE DISTRICT**

**WEBSTER COUNTY COAL, LLC  
DOTIKI MINE**

**STATE FILE No. 08987**

**DECEASED: MICHAEL CARTER  
JUSTIN W. TRAVIS**

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**WEBSTER COUNTY COAL, LLC  
MINE NO. DOTIKI  
FILE NO. 08987  
FATAL ACCIDENT REPORT  
APRIL 28, 2010  
VICTIMS: MICHAEL CARTER & JUSTIN W. TRAVIS**

**A**

**ACCIDENT REPORT**  
**COMMONWEALTH OF KENTUCKY**  
**OFFICE OF MINE SAFETY AND LICENSING**  
**P.O. BOX 2244**  
**FRANKFORT, KY 40602-2244**  
**PHONE: (502) 573-0140      FAX: (502) 573-0152**

☒ Chargeable \_\_\_\_\_ ☒ Fatal \_\_\_\_\_

Company: Webster County Coal, LLC Mine Name or Number: Dotiki

Mine Location: Nebo County: Hopkins File No. 08987

Daily Production: 26,000 Tons Name of Coal Seams: KY No. 9 and 11

Seam Thickness: No. 9 – 60 to 67 inches, No. 11 – 72 inches

Company Official: Mark Evans Address: 1586 Balls Hill Road, Nebo, Ky. 42441

No. of Employees: 413 Type of Mine: URC

Workers Compensation Carrier: Self-insured

Multiple Victims: Yes Name of Victims: Michael Carter and Justin W. Travis

\*\*\*\*\*

Name of Victim: Michael Carter ☒ Male ☐ Female

Miner I.D. No.: ME0004060 ☒ Certified Miner

Age: 28 Marital Status: Yes Dependents: Wife Yes Children 1

Shift accident occurred on: Second

Occupation when injured: Continuous Miner Helper

Regular occupation: Continuous Miner Helper

Experience at this occupation: 9 months Experience at this mine: 2 years and 7 weeks

Total mining experience: 2 years and 7 weeks

Training Record: Annual – 1/8/2010 Instructor who trained: Bruce Taylor

Date and time of accident: April 28, 2010 at 9:45 PM

Date and time of death: Pronounced on April 29, 2010 at 3:25 PM

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\*\*\*\*\*

Name of Victim: Justin W. Travis ☒ Male ☐ Female

Miner I.D. No.: ME0002742 ☒ Certified Miner

Age: 27 Marital Status: Yes Dependents: Wife Yes Children 2

Shift accident occurred on: Second

Occupation when injured: Continuous Miner Operator

Regular occupation: Continuous Miner Operator

Experience at this occupation: 1 year and 12 weeks

Experience at this mine: 3 years and 29 weeks

Total mining experience: 3 years and 29 weeks

Training Record: Annual - 1/8/2010 Instructor who trained: Bruce Taylor

Date and time of accident: April 28, 2010 at 9:45 PM

Date and time of death: Pronounced on April 29, 2010 at 6:00 PM

\*\*\*\*\*

If roof fall, did the accident occur: ☒ At the face ☐ Not at the face

Date and time OMSL was notified: April 28, 2010 at 10:00 PM

By whom (title and affiliation): Gary Thweatt - Assistant General Manager

Date and time of investigation: April 28, 2010 at 10:15 PM

Date of interview statement session: May 1, 4 and 5, 2010

Coroner: Dennis H. Mayfield County: Hopkins

Address: P.O. Box 502, Madisonville, KY 42431 Phone No.: 270-825-7010

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Victims' activity at the time of accident: The victims were operating a continuous miner in the No. 3 entry, loading draw rock from the floor, which had fallen after the coal had been mined.

Other factors contributing to this accident: A slickenside area (slip) was present in the mine roof above the anchor point of the permanent roof supports (roof bolts). The victims were struck by rock while working under supported roof. The rock fell from an area of both unsupported and supported roof.

Was first-aid rendered? ☐ Yes ☒ No

Classification of accident: Roof Fall

Name and Certificate Number of: Mine Foreman: David Brown A-448-86

Section Foreman: Brian Perdue A-131-08 Superintendent: Mark Evans A-137-98

\*\*\*\*\*

COMPLETE THIS SECTION FOR ROOF FALL ACCIDENTS ONLY

Average thickness of immediate roof: 18 to 32 inches of dark shale

If draw rock, does it come with the coal? Yes

Type of main roof: Laminated shale

Width of places: Rooms: 20 feet Entries: 20 feet Crosscuts: 20 feet

**\*\*Note:** Attached is a copy of the relevant page/pages from the approved roof control plan.

\*\*\*\*\*

**MEMBERS OF THE STATE INVESTIGATING COMMITTEE**

<b>NAMES</b>	<b>TITLE</b>	<b>REPRESENTING</b>
Tracy Stumbo	Chief Accident Investigator	OMSL
Greg Goins	Accident Investigator	OMSL
Tim Fugate	Accident Investigator	OMSL
William Millay Jr.	Roof Control Specialist	OMSL
Kenny Mitchell	Inspector Principal	OMSL

**OTHER PERSONS PARTICIPATING IN THE INVESTIGATION  
(MSHA, LABOR REPRESENTATIVE, ETC.)**

<b>NAMES</b>	<b>TITLE</b>	<b>REPRESENTING</b>
William Barnwell	Accident Investigator	MSHA
Archie Coburn	Accident Investigator	MSHA
Mike Gauna	Mining Engineer	MSHA

**PERSONS THAT WERE PRESENT DURING THE INTERVIEWS**

<b>NAMES</b>	<b>TITLE</b>	<b>REPRESENTING</b>
Greg Goins	Accident Investigator	OMSL
Tim Fugate	Accident Investigator	OMSL



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<b>William Barnwell</b>	<b>Accident Investigator</b>	<b>MSHA</b>
<b>Archie Coburn</b>	<b>Accident Investigator</b>	<b>MSHA</b>
<b>Mike Gauna</b>	<b>Mining Engineer</b>	<b>MSHA</b>
<b>Troy Davis</b>	<b>Staff Assistant</b>	<b>MSHA</b>
<b>Carl Boone</b>	<b>District Manager</b>	<b>MSHA</b>
<b>Neil Morholt</b>	<b>Attorney</b>	<b>MSHA</b>
<b>Chris Barber</b>	<b>Attorney</b>	<b>MSHA</b>
<b>* Kenneth Murray</b>	<b>Representative of Miners</b>	<b>Webster County Coal</b>
<b>** Gary D. McCollum</b>	<b>Attorney</b>	<b>Webster County Coal</b>

\* Kenneth Murray was the miner representative for the following interviewees – Jeremy Richard Teague, Brian Wayne Perdue, Ronald Wilson Oliver, Jr., Taylon Ross Polk, Nathan Kyle Fletcher, James Martin Gibson, Gregory Lynn Gates, David Keith Brown, Jared Hargrove, Terry Alan Pendley, Danny Keith Blue, Malcomb Gerald Smith, William Elkins, Johnny Charles Mendoza, Brandon Dave Teague, Harold Edward Wright III, Andrew Tyler Robinson, Matthew Brian Jent, Travis Lee Fox, and Jeremy Scott Hackney.

\*\* Gary D. McCollum was the attorney for the following interviewees – Gary Thweatt, James Noble Parish, Charles Robert Kittinger, and Mark Jason Evans. McCollum had Kenneth Murray as his technical advisor.

**PERSONS INTERVIEWED**

<b>NAMES</b>	<b>TITLE</b>	<b>REPRESENTING</b>
<b>Jeremy Richard Teague</b>	<b>Shuttle Car Operator</b>	<b>Webster County Coal</b>
<b>Brian Wayne Perdue</b>	<b>Section Foreman</b>	<b>Webster County Coal</b>
<b>Ronald Wilson Oliver, Jr.</b>	<b>Roof Bolter Operator</b>	<b>Webster County Coal</b>
<b>Steven Quentin White</b>	<b>Roof Bolter Operator</b>	<b>Webster County Coal</b>
<b>Taylon Ross Polk</b>	<b>Roof Bolter Operator</b>	<b>Webster County Coal</b>
<b>Nathan Kyle Fletcher</b>	<b>Roof Bolter Operator</b>	<b>Webster County Coal</b>
<b>James Martin Gibson</b>	<b>Shuttle Car Operator</b>	<b>Webster County Coal</b>

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<b>Gregory Lynn Gates</b>	<b>Section Foreman</b>	<b>Webster County Coal</b>
<b>Jason Lee Bratcher</b>	<b>Section Mechanic</b>	<b>Webster County Coal</b>
<b>David Keith Brown</b>	<b>Mine Foreman</b>	<b>Webster County Coal</b>
<b>Jared Hargrove</b>	<b>Shuttle Car Operator</b>	<b>Webster County Coal</b>
<b>Terry Alan Penley</b>	<b>Shuttle Car Operator</b>	<b>Webster County Coal</b>
<b>Danny Keith Blue</b>	<b>Shuttle Car Operator</b>	<b>Webster County Coal</b>
<b>Bradley Allen Higgs</b>	<b>Scoop Operator</b>	<b>Webster County Coal</b>
<b>Malcomb Gerald Smith</b>	<b>Continuous Miner Operator</b>	<b>Webster County Coal</b>
<b>William Elkins</b>	<b>Continuous Miner Helper</b>	<b>Webster County Coal</b>
<b>Murray Lynn Vandiver</b>	<b>Roof Bolter Operator</b>	<b>Webster County Coal</b>
<b>Dwight Scott McBride</b>	<b>Scoop Operator</b>	<b>Webster County Coal</b>
<b>Johnny Charles Mendoza</b>	<b>Scoop Operator</b>	<b>Webster County Coal</b>
<b>Brenda Faye Belt</b>	<b>Shuttle Car Operator</b>	<b>Webster County Coal</b>
<b>Brandon Dave Teague</b>	<b>Shuttle Car Operator</b>	<b>Webster County Coal</b>
<b>Harold Edward Wright III</b>	<b>Continuous Miner Operator</b>	<b>Webster County Coal</b>
<b>Andrew Tyler Robinson</b>	<b>Continuous Miner Operator</b>	<b>Webster County Coal</b>
<b>Matthew Brian Jent</b>	<b>Roof Bolter Operator</b>	<b>Webster County Coal</b>
<b>Travis Lee Fox</b>	<b>Roof Bolter Operator</b>	<b>Webster County Coal</b>
<b>Lonnie Ray Spurlin, Jr.</b>	<b>Roof Bolter Operator</b>	<b>Webster County Coal</b>
<b>Jeremy Scott Hackney</b>	<b>Maintenance Foreman</b>	<b>Webster County Coal</b>
<b>Gary Thweatt</b>	<b>Assistant General Manager</b>	<b>Webster County Coal</b>
<b>James Noble Parish</b>	<b>Mine Foreman</b>	<b>Webster County Coal</b>
<b>Charles Robert Kittinger</b>	<b>Mine Manager</b>	<b>Webster County Coal</b>
<b>Mark Jason Evans</b>	<b>General Manager</b>	<b>Webster County Coal</b>

### **GENERAL MINE INFORMATION**

The Webster County Coal, LLC, Dotiki mine, is an underground mine located at Nebo, in Hopkins County, Kentucky. The mine was originally licensed on November 25, 1966.

The mine has five (5) super section units, each using two (2) remote controlled continuous miners with shuttle car haulage. The mine produces approximately twenty-six thousand (26,000) tons of coal per day from the Kentucky Nos. 9 and 11 coal seams.

There are three (3) units mining in the Kentucky No. 9 coal seam and two (2) units are mining in the No. 11 coal seam. The coal seams are connected by an underground sloped entry. Coal is transported to a company owned preparation plant via conveyor belt.

There are three hundred and sixty-two (362) underground and fifty-one (51) surface employees working five (5) days per week and periodically working an extra shift on Saturday.

Coal is produced on the first and second shift with maintenance being performed on the third shift. The production crews are divided into two (2) groups (A and B crews) and work a rotating shift of two (2) weeks on the first shift and two (2) weeks on the second shift.

### **CIRCUMSTANCES OF THE ACCIDENT**

On April 28, 2010, at approximately 3:00 PM, Michael Carter and Justin W. Travis reported to work at the Webster County Coal, LLC, Dotiki mine. Michael Carter was employed as the right side continuous miner helper and Justin W. Travis was the right side continuous miner operator on the B - Crew. Both men worked together on the No. 6 mining unit in the Kentucky No. 9 seam.

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**Carter, Travis and fourteen (14) other co-workers arrived on the No. 6 unit at approximately 3:40 PM. Carter and Travis reported to the right side continuous miner and started the normal production cycle.**

**The first coal was mined in the left crosscut of the No. 1 entry. During this time the section coal conveyor belt broke and production was stopped. Brian Perdue (section foreman) dispatched Jared Hargrove (left side continuous miner helper), William Elkins (scoop operator) and Michael Carter to help repair the conveyor belt.**

**At approximately 6:40 PM, production resumed on the No. 6 unit. Carter and Travis finished extracting coal from the left crosscut of the No. 1 entry and continued the normal mining cycle of extracting coal from the No. 0 entry, the left crosscut and the No. 3 entry.**

**After mining the No. 3 entry, Travis backed the continuous miner outby the left crosscut. Travis told James Martin Gibson and Jeremy Teague (shuttle car operators) that draw rock had fallen to the floor in the entry and he was going to load some of it out. Travis positioned the continuous miner on the right side of the entry and loaded both shuttle cars with the fallen draw rock.**

**Travis was repositioning the continuous miner to the left side of the entry when a roof fall occurred. Teague and Gibson were returning from the section feeder (dump point) when the roof fall occurred. Teague was traveling toward the continuous miner when he saw a large amount of dust in the No. 3 entry. Teague stated that he first thought the dust was from the continuous miner loading the rock, but as he got closer, he realized the machine was covered with rock.**

**Teague stopped his shuttle car, dismounted and went to the left crosscut to search for Carter and Travis. Teague said that he realized that the men were under the roof fall**

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and he used a two-way radio to notify Brian Perdue that an accident had occurred.

Carter and Travis were struck and trapped by the collapsed rock. The rock fell from both the unsupported and the supported roof where the victims were located.

Steven White and Ronald Oliver, Jr. (roof bolter operators) were located in the crosscut between the Nos. 1 and 2 entry, when they heard Teague on the radio asking Perdue for help. White and Oliver joined Teague and Gibson at the accident scene. All four (4) employees stated they heard a muffled sound which they believed to be one of the victims, Michael Carter (AKA -Soupy). White left the area to get hand tools, while Teague, Gibson and Oliver started moving the rock by hand.

Jason Bratcher (section mechanic), Jared Hargrove (continuous miner helper), Terry Pendley (shuttle car operator), Danny Blue (shuttle car operator) and Malcomb Smith (continuous miner operator) were located at the left side power center performing maintenance on the other continuous miner. White, while gathering some hand tools, went to the left side power center and told the other employees about the accident. Everyone responded to the accident scene except Bratcher, who stayed to communicate with the surface personnel via the mine telephone.

David Brown (mine foreman) had left the section prior to the accident to get a piece of metal for repair work. Brown came back to Bratcher's location and was informed about the accident. Brown went to the accident scene to coordinate the rescue and recovery effort.

Company rescue teams, mine management, the Office of Mine Safety & Licensing and the Mine Safety and Health Administration all had personnel working at the accident scene. Rescue and recovery efforts continued non-stop through the night and into the following day until both victims were removed from the roof fall area.

Michael Carter was pronounced dead at 3:25 PM and Justin W. Travis was pronounced at 6:00 PM on April 29, 2010. Both victims were pronounced on the surface area of the mine by Dennis H. Mayfield, Hopkins County Coroner.

#### **CONCLUSION OF THE STATE INVESTIGATING COMMITTEE**

Michael Carter and Justin W. Travis were fatally injured on April 28, 2010, while working at the Webster County Coal, LLC, Dotiki mine. Carter and Travis were located near the left coal rib of the No. 3 entry operating a continuous miner when a large section of mine roof dislodged, fell and struck them.

#### **CONDITIONS AT THE ACCIDENT SCENE**

The accident occurred in the Kentucky No. 9 coal seam, on the No. 6 mining unit, in the No. 3 entry, eighty-three (83) feet inby survey station (spad) number 78566. The Kentucky No. 9 coal seam lay beneath approximately eight hundred and eighty (880) feet of overburden. The mining height was sixty-seven (67) inches and the mine floor was dry with loose coal present.

The No. 6 unit was located approximately four and one half (4.5) miles from the elevator shaft which is used as a personnel and supply entrance. The No. 6 unit was mining toward an old section that had been stopped due to water and adverse roof.

The No. 6 unit was advancing nine (9) entries on seventy by seventy (70 x 70) feet centers. The entries were numbered from right to left with the first right entry being No. 0 and continuing to the left to the No. 8 entry.



The collapsed mine roof consisted of one foot and four inches (1' 4") of black shale nearest the coal seam. The black shale transitioned to three feet and five inches (3' 5") of dark gray shale containing pyrite nodules. The dark gray shale changed to five feet and four inches (5' 4") of gray and sandy shale. The rock was approximately ten (10) feet thick and nineteen feet and nine inches (19' 9") wide.

The total length of the fall was not determined due to the area being inaccessible, but may have been as long as seventy (70) feet. Testimony indicated that typically thirty-eight feet (38') was mined from the last row of permanent roof support to the face of the entry.

There were six (6) individual slickensides (slips) visible in the roof cavity above the fall. The slips were oriented at various dip angles from near vertical to flat. According to testimony, none of the slips were visible in the roof when the entry was developed. However, slips had been reported in one entry, according to the on-shift – pre-shift mine examiner's report, for the No. 6 unit, dated April 28, 2010; there was a slip reported in the No. 0 entry and adverse top in the No. 6 entry. Also, in the remark section was a statement about scaled loose rock across the section.

The brow of the fall was diagonal across the entry. The left side of the brow was eighteen (18) feet in by the corner of the left crosscut. Ten (10) rows of permanent roof support were disturbed (pulled out during the fall); eight (8) full rows nearest the face, three (3) bolts in the ninth row and two (2) bolts in the tenth row.

The roof support that pulled out during the fall had been installed by the first shift roof bolting crew on the day of the fall. The roof support used in the entry was three quarter (3/4) inch diameter - grade forty (40), sixty (60) inches long, fully grouted roof bolts. The bolts were installed with two inch (2") by eight inch (8") by twenty-four inch (24") wood header boards and six inch (6") by six inch (6") by one eighth inch (1/8") metal bearing plates. The bore holes for the permanent roof supports were drilled at a depth of sixty-one inches (61").

The pattern of installation for primary roof support in the entries was: two (2) outside bolts (rib bolts) - spaced three and one half feet (3 1/2') from the coal ribs, two (2) inside bolts - spaced four feet (4') from the rib bolts, and a maximum of five feet (5') of spacing in the center of the entry. The roof bolt rows were spaced four feet (4') apart on the inby and outby direction.

Supplemental roof support was installed in the intersection of the No. 25 crosscut, outby the accident scene and consisted of six (6) cable bolts in a star pattern. Two bolts each at the inby and outby corners of the crosscut and two bolts in the center of the intersection. The cable bolts were eight feet (8') long with an eight inch (8") by eight inch (8") metal bearing plate. The bore holes drilled for these bolts were two (2') feet longer than the primary support.

The No. 3 entry face had advanced inby the projected No. 26 crosscut location. This was the farthest point of advancement of any entry on the section. The No. 3 entry left crosscut had been mined into the No. 4 entry. Permanent roof support had been installed in the first cut taken in the crosscut with approximately twenty-five (25) feet of unsupported roof remaining.

The No. 2 entry left crosscut had not been mined into the No. 3 entry at the No. 25 crosscut location. The mined area of the No. 2 left crosscut was supported.



The victims were operating a Joy 14CM15 radio remote control continuous miner, Serial No. JM5222D, Company No. 6327. The conveyor boom of the continuous miner was located ninety-six feet and one inch (96' 1") inby survey station (spad) 78566. The discharge end of the continuous miner conveyor boom was positioned nine feet and eleven inches (9' 11") from the left coal rib.

Michael Carter was located nineteen feet and eight inches (19' 8") from the inby corner of the left crosscut, approximately three (3) feet from the left coal rib. Carter was five feet (5') inby the left rib bolt at the brow of the fall. Justin Travis was located twenty-eight feet and six inches (28' 6") from the inby corner of the left crosscut, approximately three feet (3') from the left coal rib.

**CONDITIONS OR CIRCUMSTANCES THAT MAY  
HAVE CONTRIBUTED TO THIS ACCIDENT**

There were six (6) individual slickensides (slips) present in the mine roof at locations ranging from approximately seven feet (7') to ten feet (10') above the coal bed. The slickensides were at various dip angles and were randomly oriented. None of the slickensides extended through the immediate roof above the coal bed. Statements from mine personnel indicate that due to the location of the slickensides, they were not detected during examinations.

**RECOMMENDATIONS MADE AND DISCUSSED**

- 1. When using the extended cut plan, additional supplemental roof support (cable bolts) shall be installed between the last three rows of primary roof support at the end of each cut.**
- 2. If slickenside slips or any adverse roof conditions are encountered, the section foreman will be notified immediately and an examination of the roof shall be conducted.**
- 3. When implementing the extended cut plan, a test hole shall be drilled near the last row of installed permanent roof support to a depth of at least twelve inches (12") above the anchorage horizon of the longest bolts being used.**

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**NOTICE OF NON-COMPLIANCE/CLOSURE ORDERS**

- 1. KRS 352.180: EB-40 Closure order was written for the entire mine.**
- 2. KRS 352.201 (1) Citation No. 1073-02 The roof and ribs of all underground places  
shall be supported adequately to protect persons from falls.**

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SUBMITTED BY:

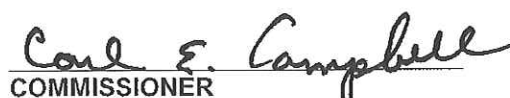
  
ACCIDENT INVESTIGATOR

  
CHIEF ACCIDENT INVESTIGATOR

DATE: July 2, 2010

APPROVED BY:

  
EXECUTIVE DIRECTOR  
OFFICE OF MINE SAFETY AND LICENSING  
DATE: 6-28-2010

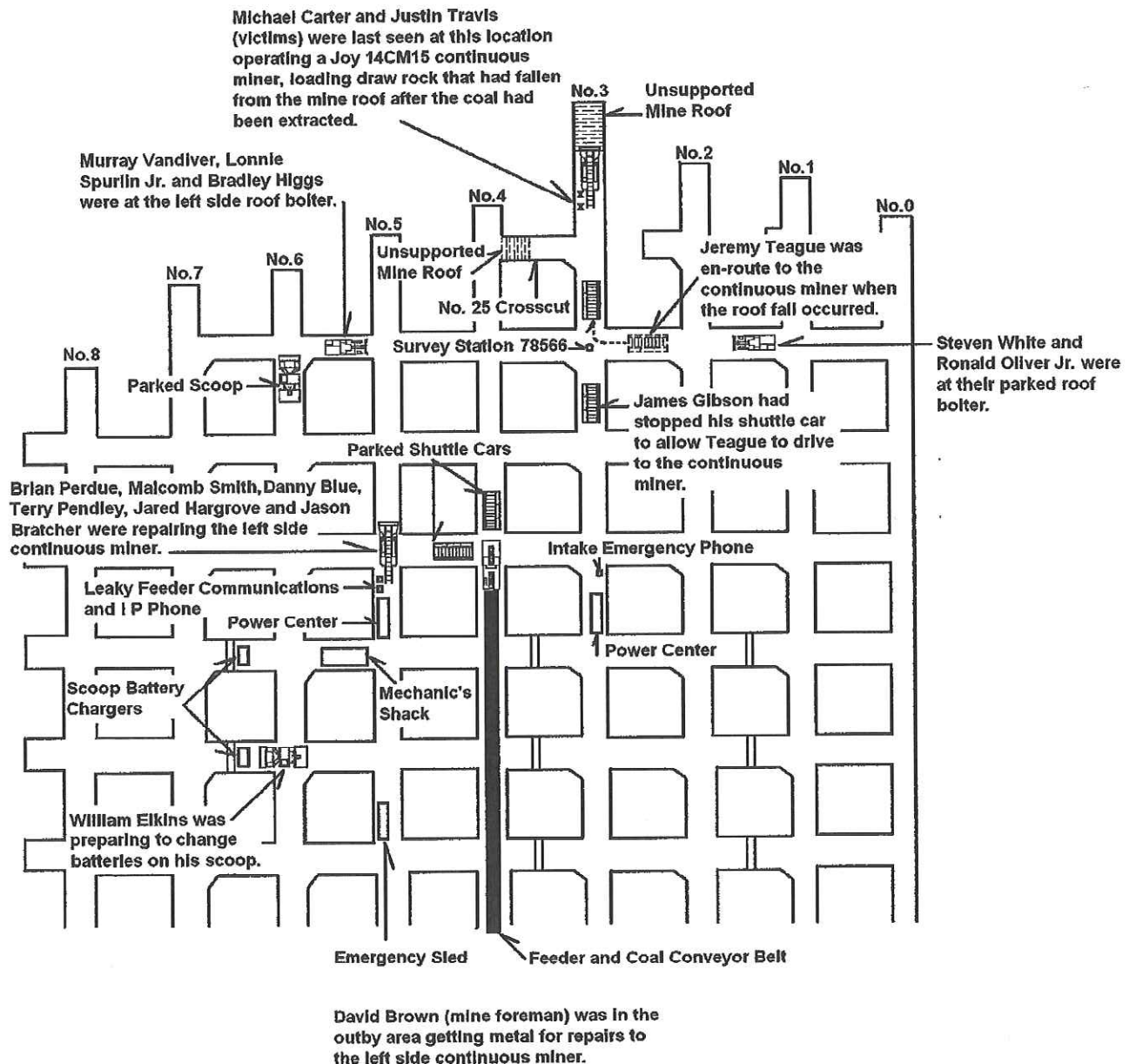
  
COMMISSIONER  
DATE: July 2, 2010

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**B**

**WEBSTER COUNTY COAL, LLC  
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FATAL ACCIDENT**

**The No. 6 Mining Unit  
Accident Scene - No. 3 Entry Face Area**

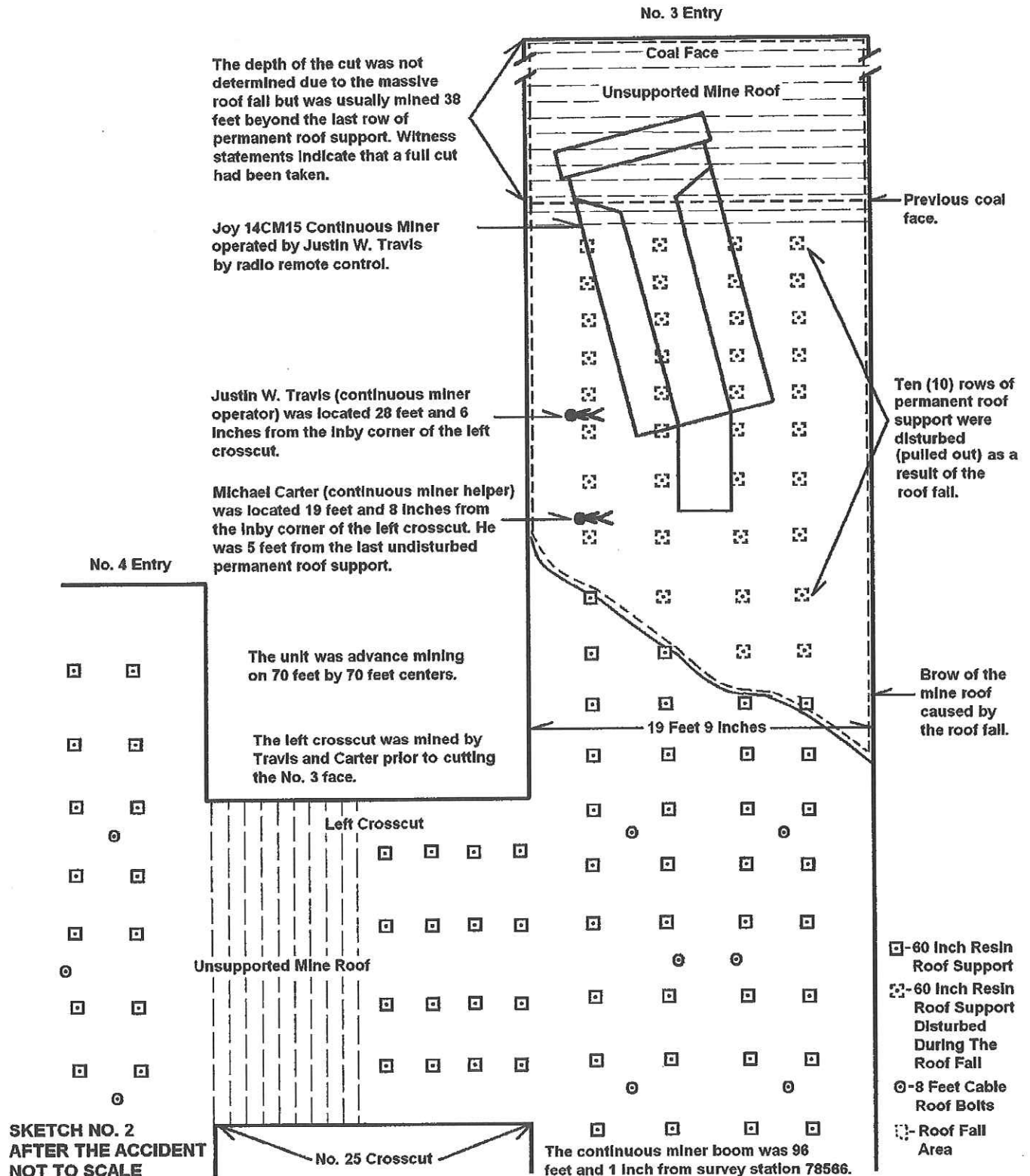


**SKETCH NO. 1  
BEFORE THE ACCIDENT  
NOT TO SCALE**

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**The No. 6 Mining Unit  
Accident Scene**

The collapsed mine roof extended from the brow toward the unsupported face area. The fall was 10 feet thick and 19 feet and 9 inches wide. The total length of the fall was not determined due to the area being inaccessible but could be as long as 70 feet.



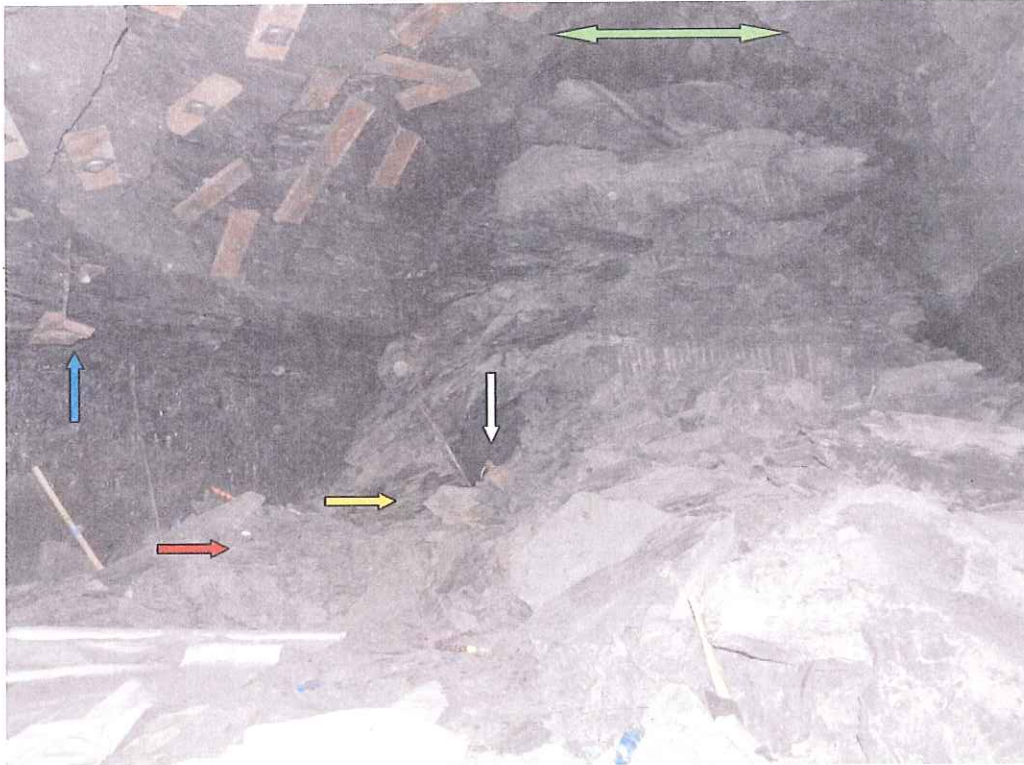
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**C**



**WEBSTER COUNTY COAL, LLC  
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**ACCIDENT SCENE  
NO. 6 UNIT - NO. 3 ENTRY**



**RED ARROW INDICATES THE APPROXIMATE LOCATION OF MICHAEL CARTER  
(UNDERNEATH THE ROCK)**

**YELLOW ARROW INDICATES THE APPROXIMATE LOCATION OF JUSTIN W. TRAVIS  
(UNDERNEATH THE ROCK)**

**WHITE ARROW INDICATES THE CORNER OF THE CONTINUOUS MINER  
(UNDER THE ROOF FALL)**

**GREEN ARROW INDICATES THE TOP OF THE ROOF CAVITY  
FROM WHERE THE ROCK FELL**

**BLUE ARROW INDICATES THE LAST UNDISTURBED PERMANENT ROOF BOLTS -  
THE OTHER ROOF BOLTS WERE INSTALLED DURING THE RECOVERY EFFORT**

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**ACCIDENT SCENE  
NO. 6 UNIT – NO. 3 ENTRY**



**RED ARROW INDICATES THE APPROXIMATE LOCATION OF MICHAEL CARTER  
(UNDERNEATH THE ROCK)**

**YELLOW ARROW INDICATES THE APPROXIMATE LOCATION OF JUSTIN W. TRAVIS  
(UNDERNEATH THE ROCK)**

**WHITE ARROW INDICATES THE CORNER OF THE CONTINUOUS MINER  
(UNDER THE ROOF FALL)**

**GREEN ARROW INDICATES THE ROOF FALL**

**BLUE ARROW INDICATES THE CONVEYOR BOOM OF THE CONTINUOUS MINER  
WHICH WAS COVERED BY FALLEN ROCK**

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**D**



OFFICE OF MINE SAFETY  
AND LICENSING

ACCIDENT CLOSURE ORDER

Date: 4-28-2010 Time: 10:00 A.M. ☐ P.M. ☒ License No: 1004-U-002 State File No: 08987

Inspector/Analyst: Kenny Mitchell

District: West, Ky. District Telephone No: 270-824-7523

Mine Name Webster County Coal, LLC Mine No: Dotiki

Licensee Address: 1586 Balls Hill Road, Nebo, Ky. 42441 Telephone No: (270) 249-2205

Principal Officer: Mark Evans ID. # ME0003004 Title: General Manager

Closure Order Served on: Mark Evans Title: General Manager

THE AREA LISTED BELOW IS HEREBY PROHIBITED FROM PRODUCING COAL OR OPERATING  
PENDING AN INVESTIGATION PURSUANT TO KRS 352.180.

AREA CLOSED: Entire Mine

REASON(S) FOR CLOSURE Accident Investigation

Kenny Mitchell

Inspector/Analyst

Mark Evans

Receipt Acknowledged by

General Manager

Title



## OFFICE OF MINE SAFETY AND LICENSING



Date: 4-28-2010

File No. 08987

Inspection Number: 14

**Recommendations and/or remarks:**

On 4-28-2010 at 10:00 P.M. a Closure was issued due to a fatal accident that occurred on the No. 6 section located in the 2<sup>nd</sup> Southeast panel. This Closure allows rescue and recovery operations.

On 4-30-2010 at 4:00 P.M. the Closure issued at 10:00 P.M. on 4-28-2010 has been modified to allow personnel to enter the mine and correct violations found during OMSL's subsequent inspection on Units, #1, #2, #3 and #4. The #6 Unit remains closed until further notice.

On 5-4-2010 at 7:00 A.M. the #1, #2, #3 and #4 sections are released from the closure order issued on 4-28-2010 due to corrections of the violations found during OMSL's subsequent inspection. Additional safety precautions have been added to the approved roof control plan and employees have been made aware of these additions. The #6 section will remain closed until a suitable plan to retrieve equipment from the section is approved.

On 5-6-2010 at 4:00 P.M. the Closure Order is modified to allow the recovery of the continuous miner and removal of all section equipment in accordance with the recovery plan submitted on 5-6-2010. No other work shall be performed on the section while the continuous miner is being retrieved from the fall area except work to install additional roof support as needed or additional work to assist in the safe recovery of the machine. The section equipment can be moved and installed at the new location once all supplemental support has been installed at the new location. Production shall not commence at the new location until the new safety precautions proposed by the company have been submitted and approved by both MSHA and OMSL. The worked-out area shall be set up for weekly examinations as required. The examiner's travel route in the headings of the 2<sup>nd</sup> S.E. shall be supported with standing support or truss bolts. **MSHA and OMSL shall be notified at least 8 hours prior to commencing any work to recover the continuous miner.**

On 5-10-2010 at 7:05 P.M. the Closure Order is modified to allow the #6 Unit to resume production at its new location.

REVIEWED: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Kenny Mitchell  
(Inspector/Analyst)

SIGNED: \_\_\_\_\_  
Ronnie Drake  
(District Supervisor)

SIGNED: \_\_\_\_\_  
(Inspector/Analyst)



COMMONWEALTH OF KENTUCKY  
OFFICE OF MINE SAFETY & LICENSING

1073-02

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

State File No. 08987

TYPE OF ISSUANCE: Non-Compliance ☒ Closure Order ☐ Abated ☐

Date: July 1, 2010 Time: 10:05 AM ☒ PM ☐

Company Name Webster County Coal, LLC

Address 1586 Balls Hill Road Nebo, Kentucky 42441

Mine Name/No. Dotiki Location Nebo

Person Deemed Responsible Mark Evans Title Superintendent

Miner I.D. No. ME0003004 Mine Foreman Certification No. A-137-98

Did an injury or fatality occur as a result of Non-Compliance? Yes ☒ No ☐

**DESCRIPTION OF NON-COMPLIANCE/CLOSURE ORDER, CONDITION OR PRACTICE:**

Non-Compliance with: KRS 352 : 201 (1)

The roof and ribs of all active underground roadways, travelways and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. The roof in the number three (3) entry on the number six (6) mining unit was not supported adequately to protect workers. On April 28, 2010, a roof fall occurred in the face area that resulted in fatal injuries to Michael Carter and Justin W. Travis. Due to the changing roof conditions, revisions to the approved roof control plan are necessary.

☐ MODIFICATION OF ORDER Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM ☐ PM ☐  
(Explanation)

**ABATEMENT** Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM ☐ PM ☐

Remedial Measures Taken: Revisions have been made to the approved roof control plan.

ISSUED BY

Greg Goins/Accident Investigator  
INSPECTOR/ANALYST

Madisonville  
DISTRICT